

view of Bertsch.

**I. Restriction Requirement**

On October 29, 2002, the Applicants made a provisional election, with traverse, to prosecute the invention of group II, containing claims 19-48, 66-70, and 73-75. The Applicants affirm this election in this Response. The Applicants reserve the right to pursue the invention of group I, containing claims 1-18, 49-65, and 71-72 in a divisional application.

**II. Claim Rejections under 35 U.S.C. §102(e)**

**A. Gaucher**

The Examiner rejected claims 19, 23-25, 28-34, 36-37, 40-48, and 73-75 under 35 U.S.C. §102(e) as being anticipated by Gaucher. The Applicants respectfully traverse these rejections. In claim 19, the Applicants recite a data network appliance. The data network appliance includes a proximity receiver that can detect an announcement message transmitted by a portable information device. The data network appliance also includes an interface to a data network. The data network links the data network appliance to a registration server. Additionally, the data network appliance includes a registration module operable to transmit a registration request to the registration server responsive to the proximity receiver detecting the announcement message.

In contrast, Gaucher teaches a master network box connected to an AC power network and a master computer that generates an RF field around the computer, the home, and the AC power network. (See, e.g., Gaucher, Abstract.) The computer scans the RF field and the AC power network to determine if a device has entered the RF field or has been connected to the AC power network through an appliance box. (See, e.g., Gaucher, column 8, lines 35-41.) When the computer detects a device, the computer queries the device and the device responds with its unique registration

number. (See, e.g., Gaucher, column 8, lines 41-48.) Thus, the device becomes automatically registered to the computer. (See, e.g., Gaucher, column 3, lines 43-49.) Accordingly, it is not necessary for the computer to transmit a registration request to a registration server, as the device has already been registered with the computer. Because Gaucher fails to suggest transmitting a registration request to the registration server, Gaucher does not suggest all the claim limitations of claim 19. Thus, the Applicants submit that Gaucher does not anticipate claim 19.

Claims 23-25, 28-34, 36-37, and 40-48 depend from claim 19. Accordingly, the Applicants also submit that Gaucher does not anticipate claims 23-25, 28-34, 36-37, and 40-48.

In claim 73, the Applicants recite a method for providing proximity registration of a user to a data network appliance. A portable information device is associated with the user. The method includes reading a user attribute from the portable information device located within a proximity range from the data network appliance. The method also includes transmitting a registration request to a registration server. As a result, the portable information device is registered to the data network appliance.

As described above with reference to claim 19, the computer reads a user attribute from a device and registers the device automatically. Accordingly, there is no need for the computer to transmit a registration request to a registration server, as the device has already been registered with the computer. Because Gaucher fails to suggest transmitting a registration request to the registration server, Gaucher does not suggest all the claim limitations of claim 73. Thus, the Applicants submit that Gaucher does not anticipate claim 73.

Claims 74-75 depend from claim 73. Accordingly, the Applicants also submit that Gaucher does not anticipate claims 74-75.

## **B. Bertsch**

The Examiner rejected claims 66-70 under 35 U.S.C. §102(e) as being anticipated by Bertsch. The Applicants respectfully traverse these rejections. In claim 66, the Applicants recite a method for registering a user of a portable information device to a data network appliance. The method includes wirelessly transmitting a ping message from the data network appliance. Ping messages are used to discover the presence of a portable information device within the proximity of the data network appliance. (See, e.g., Applicants' Specification, page 31, lines 7-9.) Additionally, the method includes determining whether an announcement message has been detected from the portable information device. If an announcement message has been detected from the portable information device, a registration request is transmitted across a data network to a registration server.

In contrast, Bertsch teaches an interface that interprets data messages sent to an appliance and signals the appliance in a preprogrammed manner. (See, e.g., Bertsch, Abstract.) The interface is located within the appliance. (See, e.g., Bertsch, column 2, lines 44-46.) The interface translates Consumer Electronics Bus ("CEBus") commands to signals that are appropriate for the capabilities of the appliance; conversely, signals from the appliance can cause specific CEBus commands to be sent to a designated appliance. (See, e.g., Bertsch, column 2, lines 59-63.) Bertsch does not suggest that either the interface or the appliance wirelessly transmit a ping message, as the interface is located within the appliance and proximity is not an issue. Additionally, Bertsch does not suggest transmitting a registration request to a registration server upon detecting an announcement message, as there is no suggestion that the appliance needs to be registered. In fact, the interface can be used in appliances without a microprocessor or with a microprocessor that is fully committed to internal appliance functions. (See, e.g., Bertsch, column 2, lines 56-59.) Because Bertsch fails

to suggest transmitting a ping message or a registration request across a data network to a registration server upon detecting an announcement message, Bertsch does not suggest all the claim limitations of claim 66. Thus, the Applicants submit that Bertsch does not anticipate claim 66.

Claims 67-68 depend from claim 66. Accordingly, the Applicants also submit that Bertsch does not anticipate claims 67-68.

Similarly, the Applicants in claim 69 recite a method for providing proximity registration at a data network appliance. The method includes transmitting a registration request across a data network to a registration server upon detecting an announcement message. As described above with reference to claim 66, Bertsch does not suggest transmitting a registration request to a registration server. Because Bertsch fails to suggest transmitting a registration request to a registration server, Bertsch does not suggest all the claim limitations of claim 69. Thus, the Applicants submit that Bertsch does not anticipate claim 69.

Claim 70 depends from claim 69. Accordingly, the Applicants also submit that Bertsch does not anticipate claim 70.

In light of the above, the Applicant respectfully requests withdrawal of the rejections under 35 U.S.C. § 102(b).

### **III. Claim Rejections under 35 U.S.C. §103**

The Examiner rejected claims 20-22, 26-27, 35, and 38-39 under 35 U.S.C. §103(a) as being unpatentable over Gaucher in view of Bertsch. The Applicants respectfully traverse these rejections. Claims 20-22, 26-27, 35, and 38-39 depend from claim 19. As described above, Gaucher does not suggest all the claim limitations of claim 19. Specifically, Gaucher fails to suggest at least transmitting a registration request to a registration server. Bertsch fails to overcome this

deficiency of Gaucher. Because the combination of Gaucher and Bertsch does not suggest transmitting a registration request to a registration server, Claims 20-22, 26-27, 35, and 38-39 are not obvious in light of the combination of Gaucher and Bertsch.

In light of the above, the Applicant respectfully requests withdrawal of the rejections under 35 U.S.C. § 103(a).

#### IV. Summary

In view of the above remarks, the Applicants respectfully submit that the present application is in condition for allowance and respectfully request notice to this effect. If there are any additional matters that may be resolved or clarified through a telephone interview, the Examiner is requested to contact Applicants' undersigned representative.

Respectfully submitted,

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